

Message Text

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PAGE 01 STATE 297114

22

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SUBJECT: 31ST UNGA ITEM 66 -- BRAZILIAN DRAFT RESOLUTION
ON SPECIAL INTERGOVERNMENTAL COMMITTEE ON INTERNATIONAL
TRADE

REF: A) USUN 5795, B) STATE 277366 OF 11/21/75,
(C) MTN GENEVA 8858

1. THE US STILL FINDS OBJECTIONABLE THE BRAZILIAN DRAFT
RESOLUTION ON A SPECIAL INTERGOVERNMENTAL COMMITTEE ON
INTERNATIONAL TRADE. THE PROPOSED GENERAL AGREEMENT
WOULD UNDERMINE OR SUPPLANT GATT AND WOULD DUPLICATE
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PAGE 02 STATE 297114

AND PREJUDICE WORK NOW UNDERWAY IN THE MTN.

2. THE US HAS ACKNOWLEDGED THE NEED TO ACCOMMODATE IN THE INTERNATIONAL TRADING SYSTEM THE INTERESTS OF THE LDCS. IT ACCEPTED (WITH MODIFICATIONS) AT THE MTN THE BRAZILIAN PROPOSAL FOR THE ESTABLISHMENT OF A GROUP "TO NEGOTIATE IMPROVEMENTS IN THE INTERNATIONAL FRAMEWORK FOR THE CONDUCT OF WORLD TRADE, PARTICULARLY WITH RESPECT TO TRADE BETWEEN DEVELOPED AND DEVELOPING COUNTRIES AND DIFFERENTIAL AND MORE FAVORABLE TREATMENT TO BE ADOPTED IN SUCH TRADE."

3. THE MTN TRADE NEGOTIATIONS COMMITTEE (TNC) ESTABLISHED THE FRAMEWORK GROUP NOVEMBER 5, 1976 (REF C). THE COMMITTEE DECIDED THAT "THE GROUP WILL PREPARE ITS OWN PROGRAM OF WORK, KEEPING IN MIND THE TIME-TABLE FOR THE CONCLUSION OF THE MULTILATERAL TRADE NEGOTIATIONS." THE TNC AGREED THAT THERE WAS SUFFICIENT CONVERGENCE OF VIEWS ON THE PROGRAM OF WORK AS A WHOLE, THOUGH NOT ON ALL POINTS, TO ENABLE THE GROUP TO START ITS WORK. THE PROGRAM OF WORK WILL INCLUDE:

A. THE LEGAL FRAMEWORK FOR DIFFERENTIAL AND MORE FAVORABLE TREATMENT FOR DEVELOPING COUNTRIES IN RELATION TO GATT PROVISIONS, IN PARTICULAR THE MFN CLAUSE;

B. SAFEGUARD ACTIONS FOR BALANCE OF PAYMENTS AND ECONOMIC DEVELOPMENT PURPOSES;

C. CONSULTATIONS, DISPUTE SETTLEMENT AND SURVEILLANCE PROCEDURES UNDER ARTICLES XXII AND XXIII;

D. THE APPLICABILITY IN FUTURE TRADE NEGOTIATIONS OF THE PRINCIPLE OF RECIPROCITY IN TRADE RELATIONS BETWEEN THE DEVELOPED AND DEVELOPING COUNTRIES AND FULLER PARTICIPATION BY THE DEVELOPING COUNTRIES IN AN IMPROVED FRAMEWORK OF RIGHTS AND OBLIGATIONS UNDER THE GATT THAT TAKES INTO ACCOUNT THEIR DEVELOPMENT NEEDS;

E. AN EXAMINATION OF EXISTING GATT RULES CONCERNING THE APPLICATION OF RESTRICTIONS AT THE BORDER THAT LIMITED OFFICIAL USE

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PAGE 03 STATE 297114

AFFECT EXPORTS, TAKING INTO ACCOUNT THE DEVELOPMENT NEEDS OF THE DEVELOPING COUNTRIES.

4. THE DEPARTMENT IS REPEATING TO USUN MTN GENEVA (8858) WHICH REPORTS THE TEXT OF THE TNC CHAIRMAN'S NOTE ON THE ESTABLISHMENT OF THE REFORM GROUP. THE GROUP WILL HOLD ITS ORGANIZATIONAL MEETING DECEMBER 14. WE EXPECT THAT THE FIRST SUBSTANTIVE MEETING WILL

BE HELD IN FEBRUARY.

5. IN ADDITION TO THE WORK OF THE FRAMEWORK GROUP, OTHER GROUPS IN THE MTN ARE EXPECTED TO PRODUCE CODES DESIGNED TO IMPROVE THE TRADING FRAMEWORK. WE ENVISION THAT THESE CODES WILL INCLUDE TO THE EXTENT POSSIBLE, PROVISIONS FOR SPECIAL AND DIFFERENTIAL TREATMENT FOR DEVELOPING COUNTRIES. GIVEN THE RECENT ESTABLISHMENT OF THE FRAMEWORK GROUP, IT SEEMS UNLIKELY THAT BRAZIL OR OTHER LDCS WILL PRESS FOR CONSIDERATION OF THE DRAFT RESOLUTION ON THE INTERGOVERNMENTAL COMMITTEE.

HOWEVER, IF THE BRAZILIANS OR OTHERS SEEK ASSEMBLY ACTION ON THE RESOLUTION, THE US DELEGATION SHOULD URGE DEFERRAL. IN DOING SO, THE DELEGATION SHOULD POINT OUT THAT A FRAMEWORK GROUP HAS BEEN ESTABLISHED AT THE MTN AND THAT A SPECIAL INTERGOVERNMENTAL COMMITTEE WOULD DUPLICATE AND COULD DISRUPT THE WORK OF THAT GROUP, AS WELL AS OTHER GROUPS IN THE MTN. KISSINGER

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